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MITIGATED NEGATIVE DECLARATION

October 29, 2009

Project Name: Vande Vegte Tentative Map

Project Number(s): 3100 5243; Log Number: ER 01-02-003

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biological Resources, Noise, Hydrology, Stormwater Management, Traffic.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

1. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans and are made conditions of its issuance:

(Biological)

- a. The grading and/or improvement plans shall indicate **permanent fences or walls** along the existing open space boundary of lots 3, 4, 5, and 7 as shown on the Open Space Fencing and Signage Plan (Figure 6 of the Biological Resources Report) dated **November 7, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 01-02-003.

- (1). The fence or wall shall be a minimum of four feet (4') high and consist of three-wire strand or split rail. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.

- b. The grading and/or improvement plans shall indicate **open space signs** along the open space boundary of lots 3, 4, 5, and 7 as shown on the Open Space Fencing and Signage Plan (Figure 6 of the Biological Resources Report) dated **November 7, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 01-02-003.

- (1). The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources"

Disturbance Beyond this Point is Restricted
by Easement

Information: Contact County of San Diego,
Department of Planning and Land Use
Ref: 01-02-003"

- c. The grading, and or improvement plans, shall indicate Temporary Orange **Construction fencing** to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. The fencing shall be placed along the open space boundary of lots 3, 4, and 5 as shown on the Open Space Fencing and Signage Plan (Figure 6 of the Biological Resources Report, same location as area labeled "Permanent Fencing") dated **November 7, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 01-02-003.
2. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans:

(Biological)

- a. "Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange **construction fencing** shall be placed to protect from inadvertent disturbance of all existing open space easements (all lots) that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity."

- b. "Restrict all brushing, clearing and/or grading such that none will be allowed within 500 feet of the existing open space easements during the breeding season of raptors. This is defined as occurring between February 1st and June 1st. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no active nests are present in the vicinity of the brushing, clearing or grading." **[DPLU, FEE]**
- c. "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of the existing open space easements during the breeding season of migratory birds. This is defined as occurring between February 15th and August 31st. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no active nests are present in the vicinity of the brushing, clearing or grading." **[DPLU, FEE]**
- d. "Prior to the conclusion of grading activities and Final Grading Release, provide evidence to the satisfaction of the Director of Planning and Land Use that the ***permanent fences or walls, and open space signs have been placed along the biological open space boundary of lots 3, 4, 5, and 7*** as shown on these plans and the Open Space Fencing and Signage Plan (Figure 6 of the Biological Resources Report) dated **November 7, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 01-02-003." **[DPLU, FEE]**
 - (1) Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
 - (2). The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources"
Disturbance Beyond this Point is Restricted
by Easement

Information: Contact County of San Diego,
Department of Planning and Land Use
Ref: 01-02-003"

3. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, grant by separate document to the County of San Diego a **Limited Building Zone Easement** on Lots 1, 2, 3, 4, 5, 6, 7, and 8 as shown on the Tentative Map and the Open Space Exhibit (Figure 5 of the Biological Resources Report) dated **November 7, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 01-02-003. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **DPLU, FEE]**
 - a. Decking, fences, and similar facilities.
 - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
4. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Planning and Land that **0.51 acres of coast live oak woodland habitat credit** has been secured in a mitigation bank approved by the California Department of Fish & Game, located Northern Foothills Eco-region. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or

similar land constraint has been placed over the mitigation land.

- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.51 acres of coast live oak woodland habitat located in the Northern Foothills Eco-region. A Resource Management Plan (RMP) for the coast live oak woodland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

5. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Planning and Land that **1.96 acres of non-native grassland habitat** or habitat of similar function and value has been secured in a mitigation bank approved by the California Department of Fish & Game, located Northern Foothills Eco-region. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 1.96 acres of non-native grassland habitat or habitat of similar function and value located in the Northern Foothills Eco-region. A Resource Management Plan (RMP) for the non-native grassland habitat or habitat of similar function and value must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

6. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, provide evidence to the satisfaction of the Director of Planning and Land Use that the following "Agency Permits" have been obtained:
 - a. Provide the Director of Planning and Land Use with a copy of a ***Streambed Alteration Agreement*** issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required. **[DPLU, FEE]**

C. Specific Cultural Resource Conditions:

1. Implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources on the Van de Vegte Project, TM 5243/Log No. 01-02-003 to the satisfaction of the Director of Planning and Land Use. This program shall include, but shall not be limited to, the following actions:

- a. Provide evidence to the satisfaction of the Director of Planning and Land Use (DPLU) that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program. A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: **[DPLU, FEE]**
 - (1) The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2007).
 - (2) The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2007).
 - (3) The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - (4) An adequate number of monitors (archaeological / historical/ Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
2. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
3. Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
4. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation

of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.

5. If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
7. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
8. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any

building permits. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.

9. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
 - a. Provide Evidence to the Director of Public Works (DPW) that the following notes have been placed on the Grading Plan:
 - (1) The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - (2) The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - (3) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
 - (4) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal investigator and approved by the County Archaeologist, then

carried out using professional archaeological methods.

- (a) The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.
- (b) If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- (c) Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator. **[DPLU, FEE]**
- (d) Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following: [DPLU, FEE x 2]
 - Department of Parks and Recreation Primary and Archaeological Site forms.
 - Evidence that all cultural collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for

permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Or

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the Principal Investigator that the grading monitoring activities have been completed.

D. PALEONTOLOGICAL RESOURCES

1. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans and are made conditions of its issuance:

(Paleontological Resources)

- a. "This project site is has marginal to low levels of sensitive Paleontological resources. All grading activities are subject to the *County of San Diego Grading Ordinance Section 87.430*, if any significant resources (Fossils) are encountered during grading activities. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the County Permit Compliance Coordinator with the Department of Planning and Land Use before continuing grading operations. **[DPLU, FEE]**"
- b. "If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego Guidelines for Determining Significance for Paleontological Resources."

- c. "Prior to Rough Grading Inspection (SEC. 87.421) do the following: If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources. **[DPLU, FEE]** "

E. NOISE

1. Prior to occupancy of the future residences on Lots 5, 6, and 7, incorporate to the satisfaction of the Director of the Department of Planning and Land Use a **(3') three foot high noise barrier on Lot 5 and a (2') two foot high noise barrier on Lot 7**. Noise barriers may consist of an earthen berm when the required height is 3 feet or less. Noise barriers are required to ensure noise levels at exterior noise sensitive land uses comply with the County General Plan Noise Element noise level thresholds of 60 dBA CNEL. **[DPLU, FEE X2]**
2. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans and are made conditions of its issuance

NOISE PROTECTION EASEMENT [DPLU]

- a. On the Final Parcel Map, grant to the County of San Diego a perpetual **Noise Protection Easement**, as shown on Tentative Map TM5243. The easement shall be placed over Lots 5, 6 and 7. The easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected Lots from traffic on Fallbrook Street, a Circulation Element road. Said Noise Protection easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located on Lots 5, 6 and 7, the applicant shall:
 - (1) Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and

anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Fallbrook Street shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Rural Collector Road that is the designated General Plan Circulation Element buildout roadway classification. **[DPLU, FEE X2]**

- (2) Incorporate to the satisfaction of the Director of the Department of Planning and Land Use a **(3') three foot high noise barrier on Lot 5 and a (2') two foot high noise barrier on Lot 7**. Noise barriers may consist of an earthen berm when the required height is 3 feet or less. Noise barriers are required to ensure noise levels at exterior noise sensitive land uses comply with the County General Plan Noise Element noise level thresholds of 60 dBA CNEL. **[DPLU, FEE X2]**

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

1. Standard Conditions 1 through 10 and 12.
2. Specific Conditions:
 - a. Improve or agree to improve and provide security for Fallbrook Street (SF 1416) onsite in accordance with Public Road Standards for a Rural Collector, to a graded width of eighty-four feet (84') and to an improved width of forty feet (40') with asphalt concrete pavement over approved base with asphalt concrete dike, with face of dike at twenty-feet (20') from centerline and with ten-foot (10') decomposed granite pathway adjacent to

dike. Provide all traffic striping and signing as approved per Traffic Impact Analysis, prepared by Katz, Okitsu & Associates. All of the foregoing shall be in accordance with Public Road Standards and to the satisfaction of the Director of Public Works. NOTE:

- (1) All pathways shall have a clear unobstructed ten feet (10') of tread width. Aboveground utilities are not permitted within the pathway.
 - (2) Landscape, signs, irrigation systems shall not be placed within pathways. A clear unobstructed ten feet (10') of tread width shall be maintained to the satisfaction of the Director of Parks and Recreation.
- b. Improve or agree to improve and provide security for Fallbrook Street (SF 1416) off-site from the subdivision's southerly boundary southeasterly to meet the existing northwesterly edge of improvements constructed per TM 5168 to the satisfaction of the Director of Public Works and the North County Fire Protection District.
 - c. Provide a temporary cul-de-sac on Fallbrook Street (SF 1416) improvements near the westerly boundary of the subdivision, graded to a radius of forty feet (40') and surfaced to a radius of thirty-eight feet (38') with asphalt concrete (AC) pavement over approved base. All of the above shall be to the satisfaction of the Director of Public Works.
 - d. Improve or agree to improve and provide security for the private easement road, Beaver Creek Lane, off-site from northerly boundary of the subdivision northerly to join existing Beaver Creek Lane improvements to the satisfaction of the Director of Public Works.
 - e. Improve or agree to improve and provide security for the private easement road, Beaver Creek Lane, on-site from the northern boundary of the subdivision to Fallbrook Street, to a graded width of thirty-two feet (32') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base with asphalt concrete dike or Portland cement concrete (PCC) curb as required to control traffic or drainage and curb returns at Fallbrook Street. The improvement and design standards of Section 3.1(B) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply to the satisfaction of the Director of Public Works.
 - f. A cul-de-sac on Beaver Creek Lane road shall be constructed at the northerly line of lots 3 and 6 graded to a minimum radius of thirty-eight feet (38') and surfaced to a minimum radius of thirty-six feet (36') with asphalt concrete pavement over approved base with asphalt concrete dike or PCC curb with face of curb/dike at thirty-six feet (36') from the radius point to

the satisfaction of the North County Fire Protection District and the Director of Public Works.

- g. Improve or agree to improve and provide security for a private easement road that serves the residences of Lots 7 and 8 (the private easement is located in panhandles for Lots 7 and 8) from Beavercreek Lane improvements westerly approximately two hundred eighty feet (280') to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete dike or PCC curb as required to control traffic or drainage, centered on the Lot 7/8 common lot line. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works. This easement road shall branch to individual driveways at a terminus to turnaround. All of the above shall be to the satisfaction of the Director of Public Works and the North County Fire Protection District.
- h. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum unobstructed sight distance in both directions from Beavercreek Lane along Alvarado Street, for the prevailing operating speed of traffic on Alvarado Street, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." The vegetation and embankment currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- i. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum unobstructed sight distance in both directions from Beavercreek Lane along Fallbrook Street, for the prevailing operating speed of traffic on Fallbrook Street, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." The vegetation and embankment currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- j. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum unobstructed sight distance in both directions from proposed driveway for Lot 5 along Fallbrook Street, for the prevailing operating speed of traffic on Fallbrook Street, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." The vegetation and embankment currently obstructing sight distance shall be removed or cut

back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

- k. The existing guarded access on Beaver Creek Lane shall conform to County Design Standards DS-17, DS-18 or DS-19 to the satisfaction of the North County Fire Protection District and the Director of Public Works.
- l. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be to the satisfaction to the Director of Public Works.
- m. If height of downward slope bank for a 2:1 slope is greater than twelve feet (12'); or if height of downward slope bank for a 1.5:1 slope is greater than ten feet (10'), guardrail shall be installed per CALTRANS standards to the satisfaction of the Director of Public Works.
- n. The subdivider shall construct to the satisfaction of the Director of Public Works, a public street lighting system that complies with the following to the satisfaction of the director of public works: [DPW - Development Review Section]
 - (1) All fixtures shall use a high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories in which case fixtures shall use a low pressure sodium vapor light source.
 - (2) Deposit with the County of San Diego, through the Department of Public Works, a cash deposit sufficient to:
 - Energize, maintain and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
 - Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to Zone A of the lighting district to operate and maintain the system.

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:
 - a. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly

delineated on the non-title information sheet of the Final Map.

- b. The private storm drain systems shall be privately maintained by a private maintenance mechanism such as a homeowners association or other private entity acceptable to the satisfaction of the Director of Public Works.

(Grading Plans)

5. Standard Conditions 19 (a-d).

6. Specific Conditions:

- a. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for **Low Impact Development (LID)**, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
- b. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

FAIR HOUSING

7. Standard Condition 20.

SANITATION

8. Standard Condition 21.

FIRE PROTECTION AND WATER SUPPLY

9. Standard Condition 23.1 and 23.2.

PLANNING AND ZONING ADMINISTRATION

10. Specific Conditions:

- a. No lot shall contain a net area of less than 1 acre. [DPLU - Regulatory Planning Division]
- b. No lot shall contain a gross area of less than 1 acre. [DPLU - Regulatory Planning Division]

DEVELOPMENT IMPACT FEES

11. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private road improvements.

FINAL MAP RECORDATION

Final Map requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors:

(Streets and Dedication)

12. Specific Conditions:

- a. With the recordation of the Final Map dedicate Fallbrook Street (SF 1416) onsite, in accordance with Public Rural Collector Road Standards to a width of forty-two feet (42'), on each side of the ultimate centerline, together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
- b. Cause to be granted an Irrevocable Offer of Dedication for real property for public highway required to complete a thirty-foot (30') wide, one-half right-of-way width on each side of the ultimate centerline [minimum centerline radius three hundred feet (300')], plus the right to construct and maintain slopes and drainage improvements as required beyond the sixty-foot (60') limit for that portion within the land division for Beaver Creek Lane, including a twenty-foot (20') radius property line corner rounding at the street intersection.

- c. Contact Transportation Planning of the Department of Public Works to determine the desired location of the centerline for Fallbrook Street (SF 1416), which is shown on the Circulation Element of the County General Plan as a Rural Collector. The following shall be shown on the Final Map:
 - (1) The centerline location as approved by the Department of Public Works.
- d. Because private roads are approved as a condition of this subdivision, the following shall apply:
 - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to each private road, and place a note on the Final Map as to the final title status of said roads.
 - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- e. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- f. Relinquish access into Fallbrook Street (SF 1416) except for Beavercreek Lane access and driveway access for Lot 5 to the satisfaction of the Director of Public Works.
- g. Cause the centerline of Fallbrook Street (SF 1416) to be surveyed and monumented. Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade.
- h. The Director of Public Works will assign a road survey number to the off-site public roads being created. If the off-site road is not shown on the Final Map, the developer shall file with the County Recorder a Record of Survey after approval of the Director of Public Works showing the centerline monumentation set with ties to adjacent property.
- i. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).

- j. The Subdivision Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

(Miscellaneous)

13. Prior to final map recordation, obtain a permit from the Department of Environmental Health for ***destruction of the large-diameter well on Lot 5***. The well must be destroyed prior to final map recordation.
14. Standard Conditions 25, 26, 27, and 28.

WAIVER AND EXCEPTIONS

Said subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required Ordinances of San Diego County except for a waiver or modification of the following:

15. Standard Conditions for Tentative Maps:
 - a. Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
 - b. Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
 - c. Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification requires use of high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories (in which case fixtures shall use a low pressure sodium vapor light source) pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].
16. County Public Roads Standards
 - a. County Public Roads Standards Section 6.1.C.2 requires that non-Circulation Element roads entering into a Circulation Element road shall

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have their centerlines separated by at least 300 feet. DPW reviewed and supported the Applicant's request to permit a separation between proposed driveway to Lot 5 and the private road Beaver Creek Lane of approximately two hundred sixty feet (260') along Fallbrook Street, a Circulation Element Road to the satisfaction of DPW. Section 6.1.C.2 is modified to permit such a separation for TM 5243.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Project Planning Division

EG:RR:tp